

HENRY A. WAXMAN, CALIFORNIA  
EDWARD J. MARKEY, MASSACHUSETTS  
RICK BOUCHER, VIRGINIA  
EDOLPHUS TOWNS, NEW YORK  
FRANK PALLONE, JR., NEW JERSEY  
BART GORDON, TENNESSEE  
BOBBY L. RUSH, ILLINOIS  
ANNA G. ESHOO, CALIFORNIA  
BART STUPAK, MICHIGAN  
ELIOT L. ENGEL, NEW YORK  
ALBERT R. WYNN, MARYLAND  
GENE GREEN, TEXAS  
DIANA DEGETTE, COLORADO  
VICE CHAIRMAN  
LOIS CAPPS, CALIFORNIA  
MIKE DOYLE, PENNSYLVANIA  
JANE HARMAN, CALIFORNIA  
TOM ALLEN, MAINE  
JAN SCHAKOWSKY, ILLINOIS  
HILDA L. SOLIS, CALIFORNIA  
CHARLES A. GONZALEZ, TEXAS  
JAY INSLEE, WASHINGTON  
TAMMY BALDWIN, WISCONSIN  
MIKE ROSS, ARKANSAS  
DARLENE HOOLEY, OREGON  
ANTHONY D. WEINER, NEW YORK  
JIM MATHESON, UTAH  
G.K. BUTTERFIELD, NORTH CAROLINA  
CHARLIE MELANCON, LOUISIANA  
JOHN BARROW, GEORGIA  
BARON P. HILL, INDIANA

ONE HUNDRED TENTH CONGRESS

**U.S. House of Representatives**  
**Committee on Energy and Commerce**  
**Washington, DC 20515-6115**

JOHN D. DINGELL, MICHIGAN  
CHAIRMAN

JOE BARTON, TEXAS  
RANKING MEMBER  
RALPH M. HALL, TEXAS  
J. DENNIS HASTERT, ILLINOIS  
FRED UPTON, MICHIGAN  
CLIFF STEARNS, FLORIDA  
ED WHITFIELD, KENTUCKY  
NATHAN DEAL, GEORGIA  
BARBARA CUBIN, WYOMING  
JOHN SHIMKUS, ILLINOIS  
HEATHER WILSON, NEW MEXICO  
JOHN B. SHADEGG, ARIZONA  
CHARLES W. "CHIP" PICKERING, MISSISSIPPI  
VITO FOSSELLA, NEW YORK  
STEVE BUYER, INDIANA  
GEORGE RADANOVICH, CALIFORNIA  
JOSEPH R. PITTS, PENNSYLVANIA  
MARY BONO, CALIFORNIA  
GREG WALDEN, OREGON  
LEE TERRY, NEBRASKA  
MIKE FERGUSON, NEW JERSEY  
MIKE ROGERS, MICHIGAN  
SUE MYRICK, NORTH CAROLINA  
JOHN SULLIVAN, OKLAHOMA  
TIM MURPHY, PENNSYLVANIA  
MICHAEL C. BURGESS, TEXAS  
MARSHA BLACKBURN, TENNESSEE

August 24, 2007

DENNIS B. FITZGIBBONS, CHIEF OF STAFF  
GREGG A. ROTHSCHILD, CHIEF COUNSEL

The Honorable Andrew C. von Eschenbach, M.D.  
Commissioner  
Food and Drug Administration  
5600 Fishers Lane  
Rockville, MD 20857

Dear Commissioner von Eschenbach:

Under Rules X and XI of the Rules of the U.S. House of Representatives, the Committee on Energy and Commerce and its Subcommittee on Oversight and Investigations are conducting an investigation into the adequacy of the efforts of the Food and Drug Administration (FDA) to protect the safety of the Nation's food supply.

Frankly, we were incredulous when we recently learned from press reports of your new plan to outsource hundreds of FDA jobs to private companies. Only a week ago the Agency was forced to cancel its similarly ill-conceived proposal to shut down over half its food sampling laboratories because of poor planning and the lack of any rigorous analysis of its consequences. It is truly incomprehensible why the Agency would again consider reducing the expertise and institutional knowledge of the FDA at a time when the FDA's credibility with the American people is at an all-time low.

FDA ostensibly cancelled its plan to close its laboratories in order to await recommendations from the President's Import Working Group, which was convened to evaluate and address the crises in our Nation's ability to guarantee the safety of imported food and drugs. As Margaret Glavin, Associate Commissioner of Regulatory Affairs, recently conceded, the FDA needs to comprehensively re-evaluate the serious challenges facing it and develop strategic plans for dealing with them.

As recently reported in the press, your hasty and unwise plans to "reorganize" and reduce employees will only further undermine the ability of FDA to accomplish its critical mission. Accordingly, we believe that the Agency's plan to substitute agency personnel with private

contractors should likewise await the President's Import Working Group's recommendations which you have previously promised this Committee would have an opportunity to review.

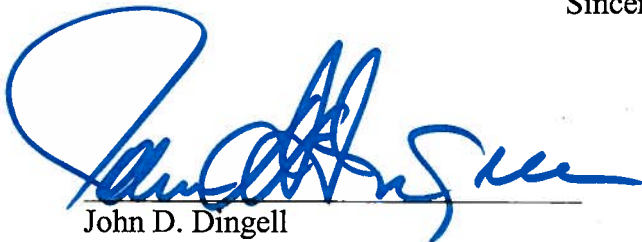
In order to assist the Committee in its investigation into the adequacy of the efforts of the FDA to protect the safety of the Nation's food supply, we request that you provide the Committee with the following information:

1. List each of the 332 positions identified by you as commercial in nature and provide position descriptions and job responsibilities for each position.
2. Provide any and all studies that FDA has conducted in connection with the identification of the 332 positions being considered for outsourcing.
3. Provide all records reflecting the plans, budget analyses, and policy analyses developed in connection with the FDA's decision to consider replacing the work currently performed by the 332 employees that you plan to eliminate from the Agency.
4. Provide a list of all FDA employees or consultants involved in the planning or designing of the outsourcing of the 332 employees.
5. Provide a description of the involvement of Margaret Glavin, Associate Commissioner of Regulatory Affairs, in the outsourcing of the 332 employees.
6. Provide a description of the involvement of the Office of the Administrator in the outsourcing of the 332 employees.

Please provide your response and supply all calculations and other records relating to the requested information no later than the close of business two weeks from the date of this letter. Please note that, for the purpose of responding to the above request, the terms "records" and "relating" should be interpreted in accordance with the attachment to this letter.

If you have any questions relating to this request, please contact us or have your staff contact John F. Sopko, Chief Counsel for Oversight with the Committee on Energy and Commerce staff at (202) 225- 2927.

Sincerely,



John D. Dingell  
Chairman



Bart Stupak  
Chairman  
Subcommittee on Oversight and  
Investigations

The Honorable Andrew C. von Eschenbach, M.D.  
Page 3

cc: The Honorable Joe Barton, Ranking Member  
Committee on Energy and Commerce

The Honorable Ed Whitfield, Ranking Member  
Subcommittee on Oversight and Investigations